

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/520,244

Applicant: Mark Diener

Filed: January 3, 2005

TC/AU:

Examiner:

Docket No.: 231945 (Client Reference No. MEBA P003 US jg)

Customer No.: 23460

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## RESPONSE TO NOTICE TO FILE MISSING PARTS


Dear Sir

Applicant(s) hereby respond(s) to the Notice to File Missing Parts of Application dated July 5, 2005.

The items checked below are appropriate:

## 1. Status of Applicant

This application is on behalf of ☐ other than a small entity or ☒ a small entity.

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8			
I hereby certify that this Response and all accompanying documents are, on the date indicated below, <input checked="" type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Facsimile Number			
Name (Print/Type)	Gregory C. Bays		
Signature		Date	August 31, 2005

**2. Documents Submitted Herewith**

- a. ☒ Executed Declaration of inventor(s)  
b. ☐ Nucleotide and/or Amino Acid Sequence Submission:  
i. ☐ Computer Readable Form (CRF)  
ii. Specification Sequence Listing on:  
(1) ☐ CD-ROM or CD-R (2 copies); or  
(2) ☐ Paper Copy  
iii. ☐ Statement verifying identity of above copies  
c. ☐ Verified English translation of application  
d. ☒ Copy of the Notice to File Missing Parts of Application  
e. ☐ Substitute Drawings  
f. ☐ Other:

**3. Application Filing Fee**

- a. ☒ No application filing fee due  
b. ☐ Application filing fee due in amount calculated below:

BASIC FEE (\$300 FILING FEE + \$200 EXAMINATION FEE + \$500 SEARCH FEE)				\$1,000.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	- 20 =		x \$50.00	\$
Independent Claims	- 3 =		x \$200.00	\$
<input type="checkbox"/> Multiple Dependent Claim(s) if applicable			+ \$360.00	\$
<input type="checkbox"/> Application Size Fee (\$250 for each additional 50 sheets over 100)				\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$( )
Fee Already Paid =				\$
Fee Due =				\$

**4. Late Filing of Oath or Declaration Surcharge**

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for  
☐ other than a small entity or ☐ a small entity.

**Fee Due** \$ 0.00

**5. Non-English Specification Surcharge**

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

**Fee Due** \$ 0.00

**6. Extension of Time**

- ☐ Applicant(s) petition(s) for a one-month extension of time under 37 CFR 1.136, the fee for which is \$120.00.  
☒ Applicant(s) believe(s) that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

**Fee Due** \$

**7. Total Fee Due**

The total fee due is:

Application Filing Fee	
Late Filing of Declaration Surcharge	\$65.00
Non-English Specification Surcharge	\$ 0.00
Extension of Time Fee	\$ 0.00

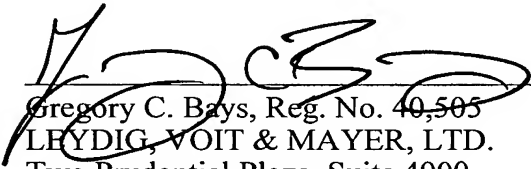
**Total Fee Due: \$65.00**

**8. Fee Payment**

- ☐ Attached is a check in the sum of \$
- ☒ Charge Account No. 12-1216 the sum of \$65.00. A duplicate of this transmittal is attached.

**9. Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

  
\_\_\_\_\_  
Gregory C. Bays, Reg. No. 40,505  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: August 31, 2005

09/13/2005 GFREY1 00000115 121216 10520244  
01 FC:2617 65.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/520,244	Mark Diener	231945

INTERNATIONAL APPLICATION NO.
PCT/DE03/02074

23460  
LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

I.A. FILING DATE	PRIORITY DATE
06/21/2003	07/03/2002

LEYDIG, VOIT & MAYER  
REC'D

JUL 11 2005

CONFIRMATION NO. 2528  
371 FORMALITIES LETTER



\*OC000000016445353\*

Date Mailed: 07/05/2005

PAY... 9-5-05  
2-5-06 final

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/03/2005
- English Translation of the IA filed on 01/03/2005
- Copy of the International Search Report filed on 01/03/2005
- Preliminary Amendments filed on 01/03/2005
- Request for Immediate Examination filed on 01/03/2005
- U.S. Basic National Fees filed on 01/03/2005
- Substitute Specification filed on 01/03/2005
- Priority Documents filed on 01/03/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

JC

KAS

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/520,244	PCT/DE03/02074	231945

FORM PCT/DO/EO/905 (371 Formalities Notice)